



UNITED STATES PATENT AND TRADEMARK OFFICE

Lee

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/558,890	12/02/2005	Kazumasa Ohsono	PHCF-04045US	6119
21254 7590 07/17/2007 MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817			EXAMINER DOAN, JENNIFER	
			ART UNIT 2874	PAPER NUMBER
			MAIL DATE 07/17/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/558,890

Applicant(s)

OHSONO ET AL.

Examiner

Jennifer Doan

Art Unit

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-19 and 22-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22-24 is/are allowed.
- 6) ☒ Claim(s) 10-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Applicant's communication filed on June 26, 2007, has been carefully studied by the Examiner. Applicant's request for reconsideration and allowance of this application is persuasive and, therefore, the finality of that action is withdrawn. However, in view of further study, a relevant document is found still applicable to the claims; therefore, a new rejection is set forth below. This action is **not** made final.

Specification

1. Applicants' cooperation is requested in correcting any errors of which applicants may become aware in the specification.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 10, 11, 14 and 16-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Yukihiisa (JP 2003-078599).

With respect to claims 10 and 11, Yukihsa (figure 2) discloses the optical fiber coiled cord, wherein the stretch length control member (4) is inserted through inside the spiral coiled cord (3).

With respect to claim 14, Yukihsa (figure 2) discloses an optical fiber coiled cord, comprising an optical fiber cord (3) spirally bent for having a coil shape for being longitudinally stretchable (see figure 2); and a stretch length control member (4) for limiting a longitudinal elongation of the optical fiber cord (3), wherein the stretch length control member (4) comprises a ball chain (see figure 2).

With respect to claim 16, Yukihsa (figures 1 and 2) discloses an optical fiber coiled cord, comprising an optical fiber cord (3) spirally bent for having a coil shape for being longitudinally stretchable (see figure 2); and a stretch length control member (4) for limiting a longitudinal elongation of the optical fiber cord (3), wherein the stretch length control member (4) comprises an elastic member (see paragraph [0012]); and a length-regulating member (4b) for being elongated in response to a stretching of the elastic member while regulating an elongation of the elastic member to a specified length (see paragraph [0012]), wherein the length regulating member (4b) comprises a ball chain (see figures 1 and 2).

With respect to claims 17 and 19, Yukihsa discloses the optical fiber coiled cord, wherein the elastic member comprises rubber (see paragraph [0012]).

With respect to claim 18, Yukihsa (figures 1 and 2) discloses an optical fiber coiled cord, comprising an optical fiber cord (3) spirally bent for having a coil shape for being longitudinally stretchable (see figure 2); and a stretch length control member (4)

Art Unit: 2874

for limiting a longitudinal elongation of the optical fiber cord (3); and optical fiber connectors (30) respectively attached to two ends of the optical fiber coiled cord (3) to connect the stretch length control member (4) to both the connectors (30) so that the distance between both the connectors (30) is not more than a constant distance, wherein the stretch length control member (4) comprises an elastic member (see paragraph [0012]); and a length-regulating member (4b) for being elongated in response to a stretching of the elastic member while regulating an elongation of the elastic member to a specified length (see paragraph [0012]), wherein the length regulating member (4b) comprises a ball chain (see figures 1 and 2).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

Art Unit: 2874

not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yukihiisa (as cited above).

With respect to claim 15, Yukihiisa substantially discloses all the limitations of the claimed invention except the ball chain includes metallic balls.

However, the ball chain including metallic balls is considered to be obvious. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to manufacture the ball chain of Yukihiisa's device by the material as claimed for the purpose of limiting the optical fiber cord to stretch to obtain higher efficiency of optical signal transmission. It is also noted that it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

7. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yukihiisa (as cited above) in view of Gorni et al. (U.S. 6,816,659, as cited in the previous Office Action).

With respect to claims 12 and 13, Yukihiisa substantially discloses all the limitations of the claimed invention except the optical fiber cord comprises a built-in-Holey optical fiber having a plurality of air holes around a core.

However, Gorni et al. (figure 1) disclose the optical fiber cord including a built-in-Holey optical fiber (12) having a plurality of air holes around a core (13). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Yukihiisa with a built-in-Holey optical fiber having a plurality of air holes around a core (accordance with the teaching of Gorni et al.) for the purpose of obtaining higher efficiency of optical signal transmission.

Allowable Subject Matter

8. Claims 22-24 are allowed.

The prior art fails to disclose or reasonably suggest a transmission line comprising another optical fiber cord, wherein in a state where the stretch length control member is elongated to a maximum elongation length, a tensile force acting on the optical fiber cord is absorbed by the stretch length control member and the optical fiber connectors in combination with the other limitations of claim 22.

Response to Arguments

9. Applicant's arguments with respect to claims 10-19 and 22-24 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 2874

Conclusion


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer Doan whose telephone number is (571) 272-2346. The examiner can normally be reached on Monday to Thursday from 6:00am to 3:30pm, second Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JD

July 11, 2007


JENNIFER DOAN
PRIMARY EXAMINER